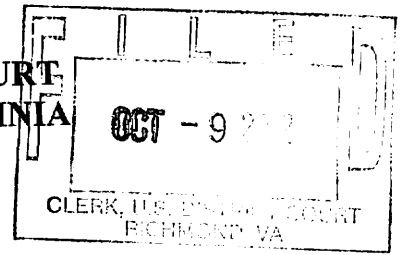


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



UNITED STATES OF AMERICA)

v.)

TIMMY O. BROWN,)

Petitioner.)

Criminal No. 3:08CR313-HEH

ORDER

**(Accepting Report and Recommendation
and Denying 28 U.S.C. § 2255 Motion)**

In accordance with the accompanying Memorandum Opinion, it is hereby ORDERED that: the Report and Recommendation (Dk. No. 75) is ACCEPTED AND ADOPTED; Claim 1 is DISMISSED; the motion under 28 U.S.C. § 2255 (Dk. No. 47) is DENIED; the Motion for Leave to File (Dk. No. 65) is DENIED; the action is DISMISSED; and a certificate of appealability is DENIED.

Brown may appeal the decision of the Court. Should he wish to appeal, a written notice of appeal must be filed within sixty (60) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the ability to appeal.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion and Order to Brown and counsel of record.

It is SO ORDERED.

Date: Oct 5, 2012
Richmond, Virginia

HEH /s/
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE